

Notice of Removal

EXHIBIT A



Notice of Service of Process

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Transmittal Number: 23970531
Date Processed: 10/26/2021

Primary Contact: William Leon Nash
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17641 Ashland Ave
Homewood, IL 60430-1339

Electronic copy provided to: Jody Evelyn

Entity: Illinois Central Railroad Company
Entity ID Number 3245423

Entity Served: Illinois Central Railroad Co.

Title of Action: Margaret Tucker vs. Illinois Central Railroad Co.

Matter Name/ID: Margaret Tucker vs. Illinois Central Railroad Co. (11678366)

Document(s) Type: Summons/Complaint

Nature of Action: Personal Injury

Court/Agency: Lake County Superior Court, IN

Case/Reference No: 45D01-2110-CT-001018

Jurisdiction Served: Indiana

Date Served on CSC: 10/25/2021

Answer or Appearance Due: 23 Days

Originally Served On: CSC

How Served: Certified Mail

Sender Information: Schafer & Schafer, LLP
219-947-1911

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STATE OF INDIANA
COUNTY OF LAKE

SS:

IN THE CIRCUIT/SUPERIOR COURT OF LAKE COUNTY
CIVIL DIVISION, ROOM

MARGARET TUCKER,
Plaintiff(s)

Cause No.:

v.

SUMMONS

ILLINOIS CENTRAL RAILROAD, et al
Defendant(s)

THE STATE OF INDIANA TO THE DEFENDANT:

Name **ILLINOIS CENTRAL RAILROAD CO.**
ATTN: **Registered Agent Corporation Service Co.**
135 N Pennsylvania St. Ste 1610
Indianapolis, IN 46204

You have been sued by the person(s) identified as "Plaintiff" in the Court stated above.

The nature of the suit against you is stated in the COMPLAINT which is attached to this SUMMONS. It also states the demand which the Plaintiff has made against you.

You must either personally or by your attorney file your written answer to the COMPLAINT with the Clerk within twenty (20) days commencing the day after this SUMMONS and the COMPLAINT were personally served upon you or your agent or left for you by the Sheriff or other process server.

In the event the SUMMONS and COMPLAINT were left for you and you then receive by first class mail (not certified) a copy of the SUMMONS alone, this mailing is merely a confirmation that the SUMMONS and COMPLAINT were previously left for you. You should not consider the date on which you receive the mailed SUMMONS as the commencement date for the time period allowed for your answer. Rather, the time period allowed for your written answer commences on the date when the SUMMONS and COMPLAINT were first personally served upon you or your agent or left for you by the Sheriff or other process server.

However, if you or your agent first received the SUMMONS and the COMPLAINT by certified mail, you have twenty-three (23) days from the date of receipt to file your written answer with the Clerk.

If you fail to answer the COMPLAINT of the Plaintiff within the times prescribed herein, judgment will be entered against you for what the Plaintiff has demanded

If you have a claim against the Plaintiff arising from the same transaction or occurrence, you may be required to assert such claim in writing together with your written answer.

The following manner of service is hereby designated: Certified Mail RR#702012900001044932

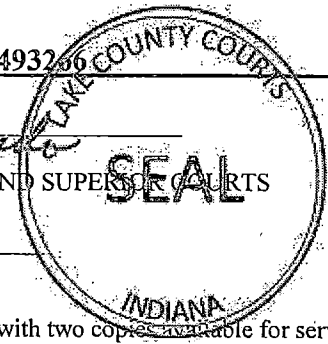
Attorney for Plaintiff: Timothy S. Schafer II
Ind. Atty. No.: 29474-64
3820 E. U.S. 30, Merrillville, IN 46410
Tel. No.: (219) 947-1911

Date: 10/15/2021
Lorenz A. Hredon
CLERK OF THE LAKE CIRCUIT AND SUPERIOR COURTS
WL

By: _____
Deputy Clerk

PREPARATION DATA:

All Summons are to be prepared in triplicate with the original of each to be placed in the Court file with two copies available for service. If service is by certified mail a properly addressed envelope shall be provided for each Defendant. Certified mail labels and return receipts must also be furnished for each mailing and the cause number must appear on each return receipt, which shall be returnable to the Clerk at the address of the Court. CS 1/97)



RETURN ON SERVICE OF SUMMONS

I certify that I have served the within summons:

1. By delivering on the _____ day of _____, 20____, a copy of this summons and a copy of the complaint to each of the within-named defendant(s) _____

2. By leaving on the _____ day of _____, 20____, for each of the within named defendant(s) _____, a copy of the summons and a copy of the complaint at the respective dwelling house or usual place of abode with _____, a person of suitable age and discretion residing therein whose usual duties or activities include prompt communication of such information to the person served.

3. _____

and by mailing a copy of the summons without the complaint to _____

at _____, the last known address of the defendant(s).

All done in _____ County, Indiana.

Fees: \$ _____

Mileage: _____

Total: \$ _____

Sheriff of _____ County, Indiana

By _____ Deputy

SERVICE ACKNOWLEDGED

A copy of the within summons and a copy of the complaint attached thereto were received by me at _____, this _____ day of _____, 20____.

Signature of Defendant

STATE OF INDIANA) IN THE LAKE CIRCUIT/SUPERIOR COURT
)SS.
 COUNTY OF LAKE) SITTING AT _____, INDIANA
 MARGARET TUCKER,)
)
 Plaintiff)
)
 vs.) CAUSE:
)
 ILLINOIS CENTRAL RAILROAD CO.,)
 ILLIANA CENTRAL RAILROAD, and)
 CANADIAN NATIONAL RAILWAY,)
)
 Defendants)

COMPLAINT

Comes now plaintiff, Margaret Tucker, by her attorneys, Schafer & Schafer, LLP, and complaining of the defendants, Illinois Central Railroad Company, Illiana Central Railroad and Canadian National Railway alleges and states:

1. That plaintiff, Margaret Tucker, at all times relevant herein was a resident of Highland, Indiana.
2. That defendants owned and operated a railroad that intersects the Erie Lackawanna bike trail Broad Street in Griffith, Indiana 46385.
3. That at all times relevant herein, Illinois Central Railroad Company, Illiana Central Railroad and Canadian National Railway were in control, possession and management of said railroad in which defendants conducted business.
4. That at all times relevant herein defendants, Illinois Central Railroad Company, Illiana Central Railroad and Canadian National Railway were under a duty to maintain and supervise said property so as to keep it in a reasonably safe condition for invitees.
5. That on or about May 27, 2020, plaintiff, Margaret Tucker, was riding her bicycle on said bike trail and was an invitee on the premises of the defendant.
6. That plaintiff, Margaret Tucker's, bike tire got stuck in a dangerous, hazardous, and latent condition that was allowed to exist on the tracks, and as a result thereof, caused

plaintiff to concrete with great force and violence.

7. That on or about May 27, 2020, plaintiff, Margaret Tucker, was riding her bicycle on the bike trail that intersects with the defendant's railroad tracks located at the intersection of the Erie Lakawanna Bike Trail and Broad Street, Griffith, Indiana 46319 when suddenly, without warning, her bike tire got stuck in a dangerous, hazardous, and latent condition that was allowed to exist on the tracks which caused plaintiff to fall and violently strike the ground and sustain severe and permanent injuries.

8. That at the time and place aforesaid, defendants, Illinois Central Railroad Company, Illiana Central Railroad and Canadian National Railway, were guilty of one or more of the following wrongful acts or omissions:

- a. Carelessly and negligently failed to exercise reasonable care to keep the premises reasonably safe for patrons and business invitees.
- b. Carelessly and negligently allowing and permitting a dangerous and hazardous condition to exist in its railroad track area rendering it unsafe and in a defective condition.
- c. Carelessly and negligently failed to take reasonable precautions to protect the public.
- d. Carelessly and negligently failed to properly maintain the railroad tracks, and in particular the area where the plaintiff fell, in a safe condition for the patrons using the same.
- e. Carelessly and needlingly failed to properly and adequately supervise, monitor, and manage the railroad tracks so as to prevent injury to its patrons.
- f. Carelessly and negligently knew, or should have known, with the exercise of reasonable care, of the dangerous and hazardous condition that existed and failed to respond accordingly.
- g. Carelessly and negligently failed to warn the plaintiff or other business invitees of the dangerous, unsafe and defective conditions of said railway area.

- h. Carelessly and negligently failed to place any warning signs near the railway plaintiff fell to warn of the dangerous and hazardous condition which existed.
- j. Carelessly and negligently failed to use the care an ordinarily careful store would have used under the same or similar circumstances.

9. That as a direct and proximate result of one or more of the aforesaid wrongful acts or omissions of the defendants, plaintiff, Margaret Tucker, sustained severe and permanent injuries, disfigurement, deformity, scarring, physical pain, mental suffering, is unable to function as a whole person, and has a diminished quality of life.

10. That as a further direct and proximate result of one or more of the aforesaid wrongful acts or omissions of the defendants, plaintiff, Margaret Tucker, suffered an intertrochanteric of the proximal left femur resulting in a left intramedullary nailing of the intertrochanteric fracture, using a Titanium Trochanteric Fixation Nail system consisting of cannulated nails, cannulated helical blades, cannulated femoral neck screws, cannulated end caps and locking bolts and screws and a fracture of her left radius of her arm all of which required medical care and treatment, and further, has become liable for past and future medical expenses, has past and future lost wages and earning capacity, has and will be kept from attending to his ordinary affairs and duties and has and will lose great gains which she otherwise would have made and acquired.

WHEREFORE, plaintiff, Margaret Tucker, by counsel, demands judgment against the defendants, Illinois Central Railroad Company, Illiana Central Railroad and Canadian National Railway, for such sums as are reasonable in the premises, for the costs of this action and for all other just and proper relief in the premises.

Respectfully submitted,

SCHAFER & SCHAFER, LLP
ATTORNEYS AT LAW

BY: Timothy S. Schafer II
TIMOTHY S. SCHAFER II
Attorney #29474-64
Attorney for Plaintiff

JURY DEMAND

Comes now plaintiff, by counsel, and demands trial by jury on all issues triable by a jury.

Respectfully submitted,

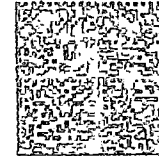
SCHAFER & SCHAFER, LLP
ATTORNEYS AT LAW

BY: TIMOTHY S. SCHAFER II
TIMOTHY S. SCHAFER II



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FIRST-CLASS



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SCHAFFER & SCHAFFER, LLP
ATTORNEYS AT LAW
3820 E. U.S. 30
MERRILLVILLE, INDIANA 46410

TO

Illinois Central Railroad
C/O RA Corporation Service Co.
135 N Pennsylvania St. Ste 1610
Indianapolis, IN 46204